

“Justice on the Move”



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2002 Statistical Report of the Delaware Judiciary

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Message from Chief Justice E. Norman Veasey

To Governor Ruth Ann Minner, Members of the General Assembly, and Citizens of the State of Delaware:

It is my pleasure to present to you the 2002 Annual Report of the Delaware Judiciary. Over the past year, the Judiciary has faced many challenges. Our emphasis has been on the move to the new New Castle County Courthouse, building on our progress in technology, achieving effective integrated case management systems, addressing delays in court case processing, and finding fair and effective ways to provide legal services to indigent and non-English speaking litigants. The Judiciary is proud of its accomplishments in these areas and seeks to continue improving internal court operations and the access to justice for the citizens of Delaware.

The Judiciary strives to operate at peak efficiency with the resources available. To this end, I established a Court Resources Task Force as set forth in Administrative Directive No. 136 dated January 9, 2002. The Task Force is charged with assuring that modern business and management techniques prevalent in the private sector are being applied to the management and functioning of the Delaware Judiciary. The goal is to have the Courts maximize the economies of scales that can be achieved by a statewide co-operative effort.

I want to give special thanks to those who worked diligently to make the move to the new New Castle County Courthouse a success. Many individual officers and staff deserve great credit for this success, particularly Edward G. Pollard, Jr., former Family Court Administrator and current Deputy State Administrator, was instrumental in this process. His dedication, professionalism and thoroughness are exemplary. As we move forward, the Judiciary will focus on creating uniform case processing standards in preparation for the development and implementation of a commercial-off-the-shelf case and financial management system (COTS) and develop and implement case management initiatives that will reduce the adjudication time in criminal cases. Emphasis will also be given to providing the necessary funding for court-appointed counsel and court interpreters to assure fairness and to make the judicial process more efficient and cost effective.

It is my honor to serve Delaware as Chief Justice. I have enjoyed serving in good economic times and in challenging times such as those which now confront our state. I am proud to be a part of the traditional Delaware culture of all three branches of government working together to support the mission of Delaware's Judiciary.

Respectfully,



INTRODUCTION TO THE DELAWARE COURT SYSTEM



The Delaware Judiciary consists of the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, the Justice of the Peace Court, and related judicial agencies.

In terms of interrelationships among the courts, the Delaware Court system is similar to a pyramid. The Justice of the Peace Court and the Alderman's Courts represent the base of the pyramid and the Supreme Court the apex of the pyramid. As a litigant goes upward through the court system pyramid, the legal issues generally become more complex and, thus, more costly to litigate. For this reason, cases decided as close as possible to the entry level of the court system generally result in cost savings to the judiciary in resources used to handle the matters and in speedier resolution of the issues at hand for the litigants.

The Justice of the Peace Court, the initial entry level into the court system for most citizens, has jurisdiction over civil cases in which the disputed amount is less than \$15,000. In criminal cases, the Justice of the Peace Court hears certain misdemeanors and most motor vehicle cases (excluding felonies) and the Justices of the Peace may act as committing magistrates for all crimes. Appeals from the Justice of the Peace Court may be taken to the Court of Common Pleas. Over one-half of all cases are disposed of rapidly at the Justice of the Peace Court level without further impact on the remainder of the judicial system.

The Court of Common Pleas has jurisdiction in civil cases where the amount in controversy, exclusive of interest, does not exceed \$50,000. In criminal cases, the Court of Common Pleas handles all misdemeanors occurring in the State except certain drug-related offenses and traffic offenses. The Court is also responsible for all preliminary hearings in felony cases. Appeals may be taken to the Superior Court.

The Family Court has extensive jurisdiction over virtually all family and juvenile matters. All civil appeals, including those relating to juvenile delinquency, go directly to the Supreme Court while criminal cases are appealed to the Superior Court.

The Superior Court, Delaware's court of general jurisdiction, has original jurisdiction over criminal

and civil cases except equity cases. The Court has exclusive jurisdiction over felonies and almost all drug offenses. In civil matters, the Court's authority to award damages is not subject to a monetary maximum. The Superior Court also serves as an intermediate appellate court by hearing appeals on the record from the Court of Common Pleas, the Family Court (in criminal cases), and a number of administrative agencies. Appeals from the Superior Court may be taken on the record to the Supreme Court.

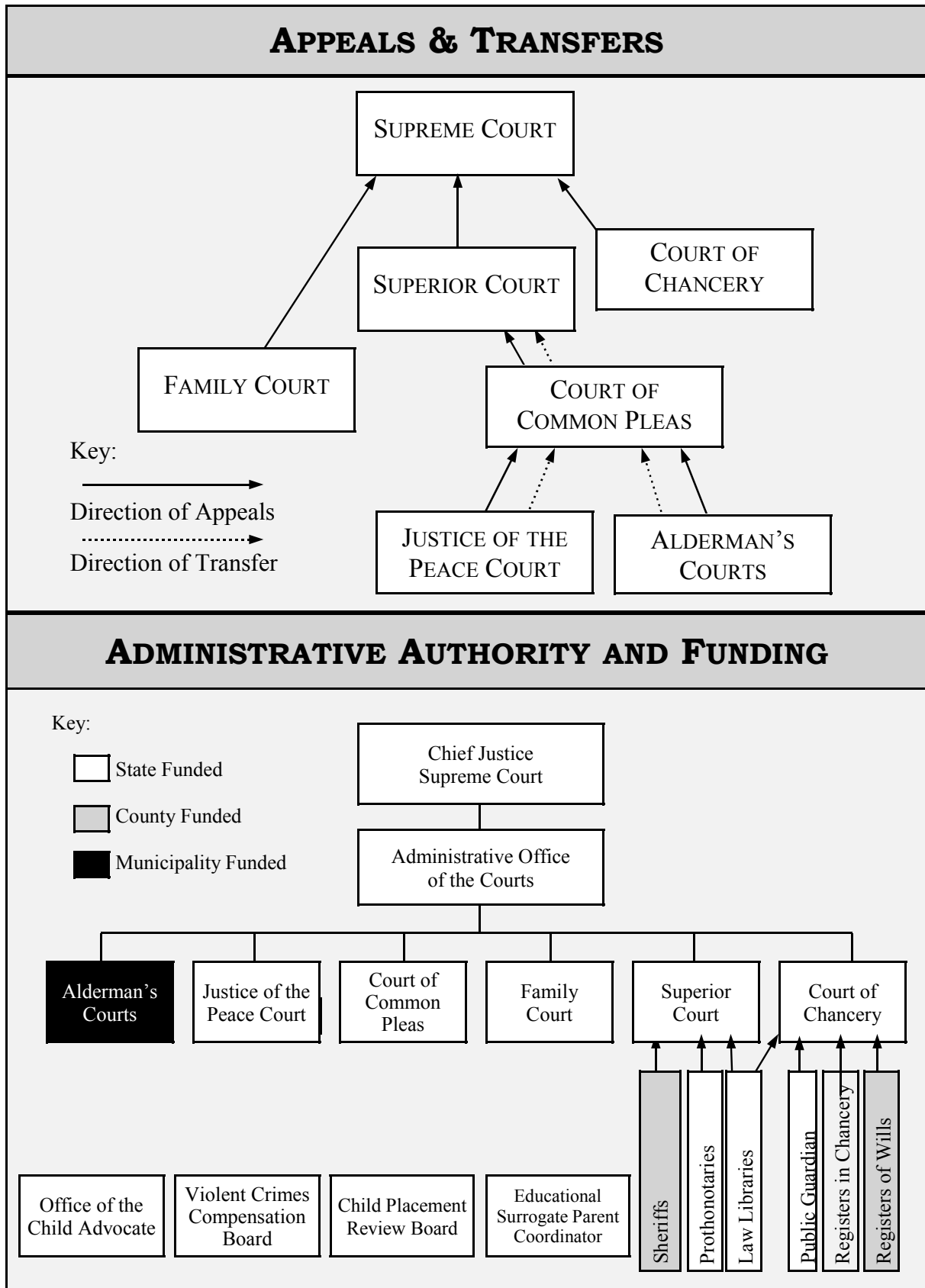
The Court of Chancery has jurisdiction to hear all matters relating to equity. The litigation in this tribunal deals largely with corporate issues, trusts, estates, other fiduciary matters, disputes involving the purchase of land and questions of title to real estate as well as commercial and contractual matters. The Court of Chancery has a national reputation in the business community and is responsible for developing the case law in Delaware on corporate matters. Appeals from the Court of Chancery may be taken on the record to the Supreme Court.

The Supreme Court is the State's appellate court which receives direct appeals from the Court of Chancery, the Superior Court, and the Family Court. As administrative head of the courts, the Chief Justice of the Supreme Court, in consultation with the other justices, sets administrative policy for the court system.

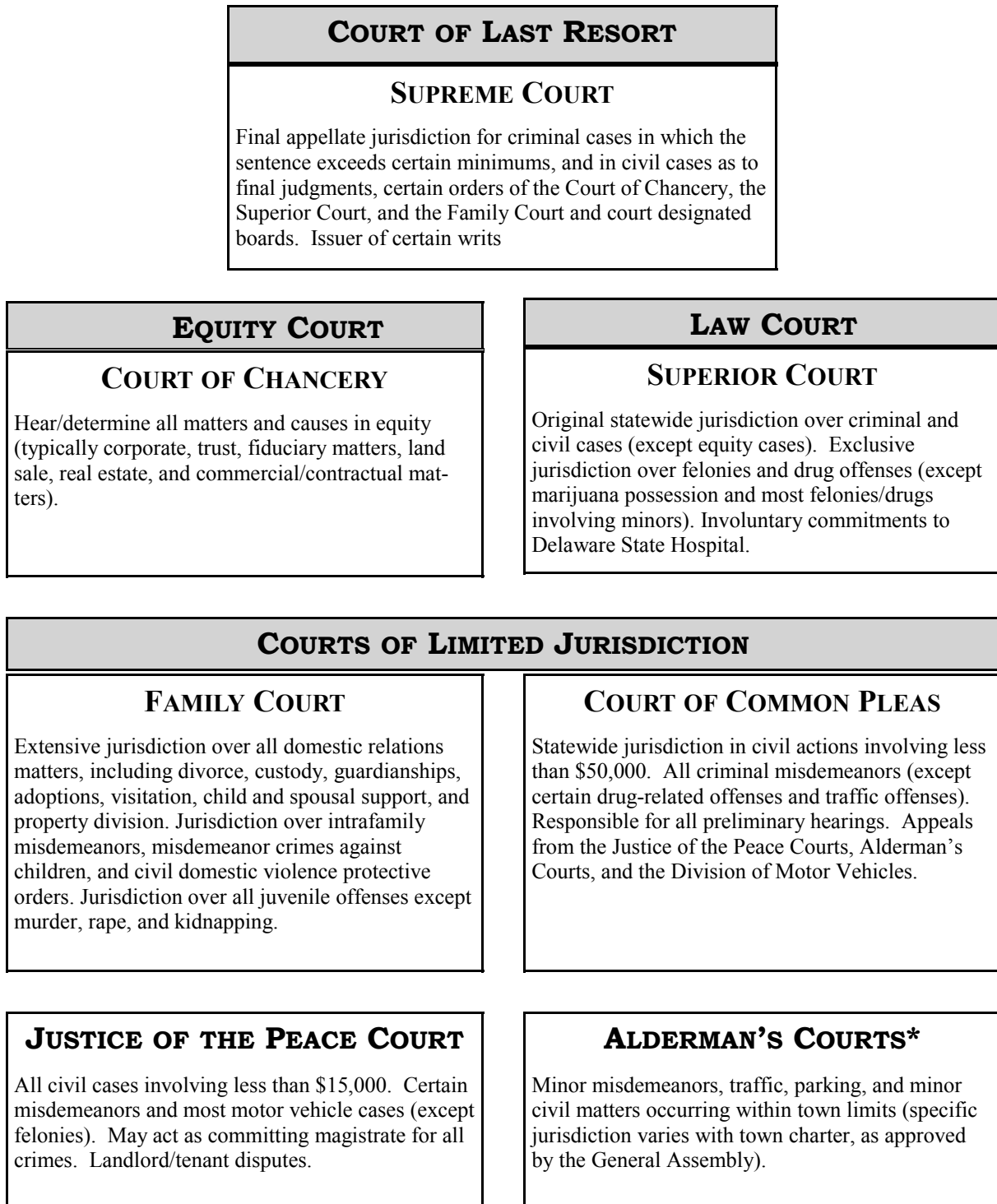
The Administrative Office of the Courts, including the Judicial Information Center and the Office of the State Court Collections Enforcement, provides those centralized services to the Delaware judiciary which are consistent with the statewide policies and goals for judicial administration and support operations as established by the Chief Justice of the Supreme Court.

Other agencies associated with the Delaware Judiciary include these state funded agencies: Violent Crimes Compensation Board, Child Placement Review Board, Educational Surrogate Parent Coordinator, Prothonotaries, Law Libraries, and Public Guardian. The majority of the components of the Delaware judicial system are funded by the State. Exceptions to this are the Alderman's Courts and the Registers of Wills for the Court of Chancery, and the Sheriffs' Offices.

THE DELAWARE COURT SYSTEM



THE DELAWARE COURT SYSTEM



*Alderman's Courts are not part of the Delaware court system, they are independent entities within their respective municipalities. However, appealed cases are transferred to a state Court.

Fiscal Overview

FISCAL OVERVIEW

Summary of Judicial Budgets-Fiscal Years 2001-2002-2003-2004				
State Judicial Agencies and Bodies*				
	FY 2001 Actual Disbursement	FY 2002 Actual Disbursement	FY 2003 Appropriations	FY 2004 Request
Administrative Office of the Courts (AOC)#	\$1,902,500	\$1,935,108	\$2,784,700	\$3,308,400
Court Appointed Attorney Programs**,##	1,417,500	1,858,957	2,108,200	2,819,400
Interpreters##	- - -	139,435	198,900	215,000
Victim Offender Mediation Program**	424,800	424,800	424,800	424,800
Elder Law Program**	50,000	50,000	50,000	50,000
Judicial Information Center###	2,378,300	2,913,100	2,683,000	2,885,900
State Court Collections Enforcement Office	458,600	409,600	410,200	447,700
Supreme Court	3,195,300	3,587,100	3,361,500	3,484,100
Retired Judges Program**	31,000	31,800	40,000	40,000
Continuing Judicial Education**	89,400	75,100	73,300	73,300
Court of Chancery####	2,077,100	2,693,200	3,311,000	3,496,800
Public Guardian	409,000	387,700	411,300	426,100
Superior Court	16,553,800	16,862,200	16,378,900	16,806,100
Law Libraries	484,400	535,000	498,600	512,500
Family Court	16,325,000	17,564,200	17,382,800	17,957,900
Court of Common Pleas	7,734,500	8,307,900	6,720,600	7,081,900
Justice of the Peace Courts	16,669,000	16,993,800	13,328,600	13,656,100
Violent Crimes Compensation Board	1,620,000	2,108,000	2,246,800	3,068,200
Child Placement Review Board***	485,600	437,700	550,900	557,800
Educational Surrogate Parent Program	56,000	79,700	72,300	72,300
Office of the Child Advocate	306,200	439,300	453,100	455,000
Total	\$ 72,668,000	\$ 77,833,700	\$ 73,489,500	\$ 77,838,300
County Judicial Agencies and Bodies				
NEW CASTLE COUNTY				
Register in Chancery	\$ 783,304	\$ 831,973	\$ 686,053	
Register of Wills	950,794	1,019,475	1,108,329	
Prothonotary	32,074	75,000	44,500	
Sheriff	1,181,627	1,313,552	1,417,609	
NEW CASTLE COUNTY TOTALS	\$ 2,947,799	\$ 3,240,000	\$ 3,256,491	
KENT COUNTY				
Register in Chancery	\$ 157,700	\$ 175,000		
Register of Wills	151,100	169,000		
Sheriff	309,500	338,300		
KENT COUNTY TOTALS	\$ 618,300	\$ 682,300		
SUSSEX COUNTY				
Register in Chancery	\$ 146,332	\$ 131,689	\$ 29,309	
Register of Wills	174,630	214,038	217,263	
Sheriff	348,796	358,061	365,238	
SUSSEX COUNTY TOTALS	\$ 669,758	\$ 703,788	\$ 611,810	
GRAND TOTALS-JUDICIAL BRANCH	\$76,903,857	\$82,459,788	\$77,357,801	

*Figures include all funds, including State general funds, appropriated special funds, federal funds and/or other funds.

**These programs are funded as part of the AOC. They show separate for informational purposes.

***This Board was previously known as the Foster Care Review Board.

#Majority of growth is due to funding related to opening the new courthouse in Wilmington.

##As of July 1, 2001, all payments to court appointed attorneys and interpreters were transferred from the courts to AOC.

###FY 2004 budget request increase is in preparation for an integrated case and financial management system (COTS)

####Majority of growth is due to transfer of the Register in Chancery offices from County to State control on 01/01/2001.

Source Administrative Office of the Courts.

FISCAL OVERVIEW

COURT GENERATED REVENUE*-FISCAL YEAR 2002						
Submitted to State General Fund						
	Fees & Costs	Fines	Interest**	Misc.	TOTALS	Revenue as a % of disbursement#
Administrative Office of the Courts	\$ -	\$ -	\$ -	\$ -	\$ 0	0.0%
Judicial Information Center	0	0	0	0	0	0.0%
State Court Collections Enforcement Office	0	0	0	0	0	0.0%
Supreme Court	59,600	0	0	0	59,600	1.7%
Court of Chancery	0	0	222,000	0	222,000	8.2%
Public Guardian	0	0	0	0	0	0.0%
Superior Court	2,108,200	446,600	54,500	212,300	2,821,600	16.7%
Law Libraries	0	0	0	0	0	0.0%
Family Court	739,900	83,500	0	182,800	1,006,200	5.7%
Court of Common Pleas	1,983,200	1,145,700	0	192,200	3,321,100	40.0%
Justice of the Peace Court	2,206,700	976,300	0	13,100	3,196,100	18.8%
Child Placement Review Board***	0	0	0	0	0	0.0%
Educational Surrogate Parent Program	0	0	0	0	0	0.0%
Office of the Child Advocate	0	0	0	0	0	0.0%
STATE TOTALS	\$7,097,600	\$2,652,100	\$276,500	\$ 600,400	\$10,626,200	\$13.7%

COURT GENERATED REVENUE*-FISCAL YEAR 2002						
Received by Violent Crimes Compensation Board						
	Fees & Costs	Fines	Interest**	Misc.	TOTALS	Revenue as a % of disbursement#
Superior Court	\$0	\$ 385,589	\$ 0	\$ 0	\$ 385,589	---
Family Court	0	24,527	0	0	24,527	---
Court of Common Pleas	0	738,729	0	0	738,729	---
Justice of the Peace Courts	0	1,354,528	0	0	1,354,528	---
Alderman's Courts	0	157,615	0	0	157,615	---
Restitution	0	86,018	0	0	86,018	---
Other	0	7,112	23,167	63,211	93,490	---
VCCB TOTALS	\$0	\$2,754,118	\$23,167	\$63,211	\$2,840,496	\$238.2%

*Figures represent revenue actually received, not the total amount actually assessed.

**Counties receive 50% of all Court of Chancery interest money.

***This Board was known as the Foster Care Review Board before changing its name in FY 2001.

#FY 2002 revenue divided by FY 2002 actual disbursement (includes State General, Federal, and other funds).

Source: Administrative Office of the Courts

FISCAL OVERVIEW

COURT GENERATED REVENUE*-FISCAL YEAR 2002						
Submitted to New Castle County						
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of disbursement#
Register in Chancery	\$ 797,927	\$ 0	\$326,351	\$ 0	\$ 1,124,278	135.1%
Register of Wills	3,873,682	0	0	0	3,873,682	380.0%
Prothonotary	34,638	0	0	0	34,638	46.2%
Sheriff	1,448,174	0	42,922	0	1,491,096	113.5%
Justice of the Peace Court	<u>0</u>	<u>564,843</u>	<u>0</u>	<u>0</u>	<u>564,843</u>	-----
New Castle County Totals	\$6,154,421	\$564,843	\$369,273	\$0	\$7,088,537	201.3%

COURT GENERATED REVENUE*-FISCAL YEAR 2002						
Submitted to Kent County						
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of disbursement#
Register in Chancery	\$ 11,738	\$ 0	\$419	\$0	\$ 12,157	13.9%
Register of Wills	374,283	0	0	0	374,283	221.5%
Sheriff	488,986	0	0	0	488,986	144.5%
Justice of the Peace Court	<u>0</u>	<u>3,347</u>	<u>0</u>	<u>0</u>	<u>3,347</u>	-----
Kent County Totals	\$875,007	\$3,347	\$419	\$0	\$878,773	147.2%

COURT GENERATED REVENUE*-FISCAL YEAR 2002						
Submitted to Sussex County						
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of disbursement#
Register in Chancery	\$ 19,895	\$ 0	\$0	\$0	\$ 19,895	15.1%
Register of Wills	798,711	0	0	0	798,711	373.2%
Sheriff	351,509	0	0	0	351,509	98.2%
Justice of the Peace Court	<u>0</u>	<u>5,362</u>	<u>0</u>	<u>0</u>	<u>5,362</u>	-----
Sussex County Totals	\$1,170,115	\$5,362	\$0	\$0	\$1,175,477	166.3%

*Figures represent revenue collected, not the total amount of fines and costs assessed.

#FY 2002 revenue divided by FY 2002 actual disbursement.

Source: Administrative Office of the Courts.

FISCAL OVERVIEW

COURT GENERATED REVENUE*-FISCAL YEAR 2002						
Submitted to Municipalities						
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of disbursement#
Court of Common Pleas	\$ 0	\$ 946,414	0	0	\$ 946,414	11.4%
Justice of the Peace Court	0	2,876,834	0	0	2,876,834	16.9%
Alderman Court	387,804	831,443	0	0	1,219,247	NA
TOTAL	\$387,804	\$4,654,691	0	0	\$5,042,495	NA

COURT GENERATED REVENUE*-FISCAL YEAR 2002						
Grand Totals-Judicial Branch						
	Fees & Costs	Fines	Interest	Miscellaneous	TOTALS	Revenue as a % of disbursement#
TOTALS	\$15,684,947	\$10,662,486	\$659,783	\$673,404	\$27,680,620	NA

RESTITUTION-FISCAL -YEAR 2002			
	Assessed	Collected	Disbursed
Supreme Court	\$ 0	\$ 0	\$ 0
Court of Chancery	0	0	0
Superior Court	5,190,275	1,861,178	1,793,472
Family Court	804,275	281,007	261,851
Court of Common Pleas	405,452	383,745	350,827
Justice of the Peace Court	148,297	113,896	116,299
TOTALS	\$6,548,299	\$2,639,826	\$2,522,449

*Figures represent revenue actually collected, not the amount assessed.

#FY 2002 revenue divided by FY 2002 actual disbursement (includes State General, Federal, and other funds).

Source: Administrative Office of the Courts

FISCAL OVERVIEW

DELAWARE GOVERNMENT APPROPRIATIONS* - FISCAL YEAR 2002		
State Appropriations		
	\$'s	As a %
Judicial	\$ 62,146,200	2.70%
Higher Education	\$ 202,437,900	8.79%
Executive Branch	\$1,252,176,500	54.40%
Legislative Branch	\$ 11,551,500	0.50%
Public Education	\$ 773,460,100	33.60%
Total	\$2,301,772,200	100.00%

Judicial Appropriations FY 2002*		
	\$'s	As a %
Supreme Court	\$ 2,286,900	3.68%
Administrative Office of the Courts	\$ 3,964,000	6.38%
Judicial Information Center	\$ 2,584,300	4.16%
Court of Chancery	\$ 2,062,200	3.32%
Superior Court	\$ 16,045,800	25.82%
Law Libraries	\$ 498,600	0.80%
Family Court	\$ 13,755,000	22.13%
Court of Common Pleas	\$ 6,306,200	10.15%
Justice o/t Peace Court	\$ 12,868,300	20.71%
Other**	\$ 1,774,900	2.86%
Total	\$ 62,146,200	100.00%

*State General Fund monies only.

**Other: Public Guardian, Office of State Court Collections Enforcement, Child Placement Review Board, Educational Surrogate Program and the Office of the Child Advocate.

Source: Administrative Office of the Courts.